

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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FELIX GUZMAN RIVADENERIA,

Plaintiff,

v.

DEPARTMENT OF HOMELAND  
SECURITY, et al,

Defendants.

Case No. 2:15-cv-01187-APG-VCF

**Order Accepting Report and  
Recommendation and Dismissing Claims**

On October 1, 2015, Magistrate Judge Ferenbach entered his Order and Report & Recommendation recommending dismissal of plaintiff's "political claims" with prejudice, and dismissal of Plaintiff's constitutional claims without prejudice. (Dkt. #2.) No objection has been filed to that Report and Recommendation. Thus, I am not required to conduct "any review at all ... of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985). The Ninth Circuit has confirmed that a district court is not required to review a magistrate judge's report and recommendation where no objection has been filed. *See United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) ("[T]he district judge must review the magistrate judge's findings and recommendations de novo if objection is made, but not otherwise."); *see also Schmidt v. Johnstone*, 263 F.Supp.2d 1219, 1226 (D.Ariz. 2003) (Based on *Thomas* and *Reyna-Tapia*, "district courts are not required to conduct any review at all . . . of any issue that is not the subject of an objection."). Because no objection was filed to Judge Ferenbach's recommendation, I may accept the recommendation without review. Nevertheless, I have reviewed that recommendation.

IT IS HEREBY ORDERED that the Report & Recommendation is accepted. Plaintiff's requests for relief ##1-4 in his complaint are DISMISSED WITH PREJUDICE. Further, the remainder of plaintiff's complaint is DISMISSED WITHOUT PREJUDICE. Plaintiff may file an Amended Complaint—if he can allege sufficient facts and details as discussed in Judge Ferenbach's Report & Recommendation—within 30 days of enter of this Order. Plaintiff is reminded that he

1 cannot assert claims on behalf of others. (Dkt. #2 at 3:9-11.) The failure to file an Amended  
2 Complaint within 30 days of the entry of this Order shall result in the dismissal with prejudice of  
3 all of plaintiff's claims.

4 Dated: November 25, 2015.



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6 ANDREW P. GORDON  
7 UNITED STATES DISTRICT JUDGE  
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